

#### Christopher J. Hanifin, Esq.

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November 9, 2001

Magalie Roman Salas, Secretary Federal Communications Commission 445 12<sup>th</sup> Street, S.W. Washington, D.C. 20024

RE: **CC Docket No. 00-257** 

In the Matter of 2000 Biennial Review – Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers.

### Dear Secretary Salas:

Choice One Communications Inc. and its subsidiaries ("Choice One"), by its undersigned counsel, respectfully submits this <u>Self-Certification</u> Letter to the Federal Communications Commission ("Commission"), pursuant to Section 258 of the Telecommunications Act of 1996 and 47 C.F.R. § 64.1120(e), for the purpose of transferring the subscriber base of FairPoint Communications Solutions Corp. ("FairPoint") in selected states to Choice One without obtaining each subscriber's authorization and verification required pursuant to Commission Rules at 47 C.F.R. § 64.1120(e).

The transfer from FairPoint to Choice One arises from a purchase agreement ("Agreement") the parties entered into whereby FairPoint has agreed to sell and transfer assets and local exchange and long distance interexchange customers in five states to Choice One.<sup>2</sup> FairPoint is restructuring its business and is withdrawing from providing service as a Competitive Local Exchange Carrier ("CLEC") in these states, and migrating any remaining CLEC customers in these states to Choice One.

<sup>&</sup>lt;sup>1</sup> 47 C.F.R. § 64.1120(e); <u>In the Matter of 2000 Biennial Review – Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers; Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, First Report and Order in CC Docket No. 00-257 and Forth Report and Order in CC Docket No. 94-129 (rel. May 15, 2001).</u>

<sup>&</sup>lt;sup>2</sup> FairPoint will transfer customers and assets in five states, including New York, Pennsylvania, Massachusetts, New Hampshire, and Maine.

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Pursuant to Section 64.1120 of the Commission Rules, Choice One provides the following:

## 1. The Names of the Parties to the Transaction.

The acquiring carrier is Choice One Communications Inc. and its subsidiaries ("Choice One"). The original carrier is FairPoint Communications Solutions Corp. ("FairPoint"), a subsidiary of FairPoint Communications, Inc. FairPoint has already sought to transfer other assets and customers in the state of Oregon and Washington to another acquiring carrier.

## 2. The Types of Telecommunications Services to be Provided to the Customers.

Choice One is an Integrated Communications Provider ("ICP") offering a full array of local, long distance, high-speed data (including DSL), web hosting, design and development services to small and medium sized companies in the Northeast and Midwest United States. Our company currently provides service to clients in 28 markets in eleven states where there are fewer competitors than in larger metropolitan areas. We have chosen to target small and medium sized-business because they are typically underserved by the incumbent local exchange provider (Baby Bell or Local Independent.) To learn more about Choice One, please visit our web site at <a href="https://www.choiceonecom.com">www.choiceonecom.com</a>.

FairPoint provided a intrastate local and/or long distance telecommunications services to business and residential consumers via resale or the use of unbundled network element arrangements, where available.

## 3. The Date of the Transfer.

The parties anticipate that all affected FairPoint customers will receive written notification by a mailing to be sent out on or before November 12, 2001. It is anticipated that such notification will be issued on November 9, 2001. The parties intend to transfer any remaining FairPoint customers to Choice One sometime after the thirty-day period, depending on regulatory and financial institution approval.

## 4. Certification of Compliance.

Choice One's certification that it will comply with the required procedures for the customer base transfer, including the requirement of advanced written notice to all affected subscribers, is appended hereto as <u>Attachment A.</u>

## 5. Copy of Notice Sent to Affected Subscribers.

A copy of the written notice being sent to all affected subscribers, in compliance with Commission requirements, is appended hereto as *Attachment B*.

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In conformance with the Commission's rules, Choice One hereby self-certifies that it will transfer the subscriber base of FairPoint in selected states to Choice One without needing to obtain each subscriber's authorization and verification. Kindly datestamp and return the enclosed extra copy of this filing. If you should have any questions regarding this letter, please do not hesitate to contact me at (518) 689-3401.

Best regards.

Respectfully submitted,

CHOICE ONE COMMUNICATIONS INC.

By: Christopher J. Hanifin, Esq. Its Attorney
2 Pine West Plaza, Suite 205
Washington Avenue Extension
Albany, New York 12205
(518) 689-3401
(518) 869-9738 (fax)
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Dated: November 9, 2001 Albany, New York

Attachments (2)

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# **ATTACHMENT A**

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### CERTIFICATION OF CHOICE ONE COMMUNICATIONS INC.

On behalf of Choice One Communications Inc. and its subsidiaries, and in accordance with Section 64.1120 of the Commission's Rules, 47 C.F.R. § 64.1120, I hereby certify that:

Under penalty of perjury, that I have read the foregoing document and that the statements therein are true, complete and correct to the best of my knowledge, except as to the statements therein which are stated upon information and belief. As to those statements, I believe them to be true.

Choice One Communications Inc. and its subsidiaries will comply wit the required Commission procedures for the transfer of FairPoint's customer base to Choice One, including the requirement that advanced written notice be served on all affected FairPoint subscribers.

Ву:		
Name:	Christopher J. Hanifin, Esq.	
Title:	Director – Legal and Regulatory Affairs and Associate General Counsel	
Date:	November 8, 2001	
Sworn to and Subscribed to before me this 8 <sup>th</sup> Day of November, 2001		
Notary Public, State o	f New York	

Choice One Communications Inc.

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# **ATTACHMENT B**

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### **Notice Regarding Your Telephone Service**

Dear Valued Customer:

FairPoint Communications and Choice One Communications are pleased to announce that Choice One Communications Inc. ("Choice One") is acquiring the assets and operations of FairPoint Communications Solutions Corp. ("FairPoint") in your service area later this year. FairPoint's customers will begin receiving various telephone services from Choice One after that time. FairPoint has arranged with Choice One to provide high quality telecommunications services to you. **There is no need for you to do anything, you will automatically continue to receive uninterrupted, reliable telephone service.** 

Please note the following important information:

- 1. Client Service and individualized attention are top priorities at Choice One. We will continue to provide you with high quality telephone service(s) that meets your specific needs. Choice One offers the same range of services that FairPoint provides, including local, long distance, and Internet services, as well as rates that are comparable to FairPoint. A copy of Choice One's rates, terms and conditions is attached. Choice One's Client Service Specialists are ready to assist you with the transition of your service, and to answer any questions you may have. You may call Choice One's Client Specialists at 1-866-333-8351, or visit the Choice One web site at <a href="https://www.choiceonecom.com/fairpoint">www.choiceonecom.com/fairpoint</a>
- 2. All FairPoint subscribers receiving this notice will be switched to Choice One, even those with a preferred carrier freeze, unless you select another carrier before the planned switch date noted below. If you have a preferred carrier freeze and wish to arrange for a new freeze, you will need to contact us later this year (or if you select another provider, contact them) to arrange for the carrier freeze.
- 3. Should your current local telephone provider impose a carrier change charge in connection with this switch to Choice One, Choice One will cover these costs so that you will not be responsible for these charges. If you select a provider other than Choice One, you may need to pay for these carrier change charges.
- 4. Regarding your telephone service, there is nothing you need to do at this time. You will automatically continue to receive uninterrupted, reliable telephone service from Choice One. In the event that you would prefer to use another company as your local or long distance carrier, you have the right to switch to another carrier of your choice provided you decide and make arrangements to do so before <a href="December 14, 2001">December 14, 2001</a> (thirty-five days from the date of this letter) if an alternative provider is available. If you prefer to use another company as your local or long distance carrier, you may face contract termination penalties, if applicable.
- 5. FairPoint will resolve any complaints filed or raised with them prior to the date of the switch to Choice One. FairPoint's Customer Service Department can be reached at 1-888-379-2200. For any service-related matters after the switch, please contact Choice One for assistance.

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Choice One extends a special welcome to all FairPoint customers. We are confident that the arrangement between FairPoint and Choice One will provide you with the best alternative for continued high-quality telephone service. We believe that you will find Choice One's years of experience in providing exceptional telecommunications services to be of great value to you. Please do not hesitate to contact us at 1-866-333-8351, or visit the Choice One web site at <a href="https://www.choiceonecom.com/fairpoint">www.choiceonecom.com/fairpoint</a> for assistance in your switch to Choice One.

With warm regards,

Gene B. Johnson Executive Vice President and Vice Chairman FairPoint Communications, Inc. Steve M. Dubnik Chairman and CEO Choice One Communications Inc. Federal Communications Commission Choice One Communications Inc. Self Certification Letter Page 9 November 8, 2001

#### **Choice One Communications**

100 Chestnut Street Rochester, New York 14604

## Rates, Terms, and Conditions of Choice One Communications

Choice One Communications is an Integrated Communications Provider ("ICP") offering a full array of local, long distance, high-speed data (including DSL), web hosting, web design and development services to small and medium sized business in the Northeastern and Midwestern United States.

Choice One's rates, terms, and conditions are comparable to those of FairPoint Communications. Our rates, terms and conditions vary depending on (i) your service agreement length; (ii) number of telephone lines in service; (iii) the number and/or type of products being provided; and (iv) your market location (e.g., market specific pricing requirements like measured and flat local line rates).

Choice One invites you to contact us at 1-866-333-8351 to review your current service portfolio and to determine how Choice One can provide you with high-quality services to help run your business successfully. To learn more about Choice One Communications, we encourage you to contact us or visit our web site at <a href="https://www.choiceonecom.com">www.choiceonecom.com</a>.

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### CERTIFICATE OF SERVICE

I, Christopher Hanifin, do certify that copies of the foregoing Petition were served on the persons listed below by regular, first class U.S. Mail and/or overnight delivery by UPS, postage pre-paid on this 9<sup>th</sup> day of November, 2001.

Magalie Roman Salas Secretary, Room TW-A325 Federal Communications Commission The Portals, 445 Twelfth Street, S.W. Washington, DC 20554

K. Michele Walters Associate Division Chief Accounting Policy Division Common Carrier Bureau Federal Communications Commission The Portals, 445 Twelfth Street, S.W. Washington, DC 20554

Dana Walton-Bradford, Attorney Accounting Policy Division Common Carrier Bureau Federal Communications Commission The Portals, 445 Twelfth Street, S.W. Washington, DC 20554

International Transcription Services 1231 20<sup>th</sup> Street, NW Washington, DC 20036

John J. LaPenta Director, Regulatory Affairs Fairpoint Communications Solutions Corp. 521 East Morehead Street, Suite 250 Charlotte, North Carolina 28202

Sworn to before me this	day of	, 2001